



3731

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Russell David Waters

Serial No.: 10/070,272 Art Unit: 3731
Filed: March 1, 2002 Examiner: Glenn K. Dawson
For: APPARATUS FOR APPLYING SURGICAL FASTENERS
Docket No.: 16-124

MS NON-FEE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for approval by examiner for this application.

STATUS

2. Applicant is
XXX a small entity
_____ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, MAIL STOP NON-FEE AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450".

Laura McLellan
(Type or print name of person mailing paper)

Date: September 6, 2005

Laura R McLellan
(Signature of person mailing paper)

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37CFR 1.136 apply.

(complete (a) or (b) as applicable)

(a) Applicant petitions for an extension of time for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	410.00	205.00
<input type="checkbox"/> three months	930.00	465.00
<input type="checkbox"/> four months	1,450.00	7250.00

Fee \$ 00.0

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	Small Entity		Other than a Small Entity
Claims Remaining After Amendment	Highest No. Previously Paid for	Present EXTRA	Rate	Addit. Fee	Rate
					Addit. Fee
TOTAL	MINUS	=	x	11 =	\$ x 18 = \$
INDEP.	MINUS	=	x	44 =	\$ x 88 = \$
First Presentation of Multiple Dep. Claim		x	125 =	\$	x 250 = \$
		Total	\$	or	Total \$

* If the Highest No. Previously Paid for in this space is less than 20, enter "20".

** If the Highest No. Previously Paid for in this space is less than 3, enter "3".

(c) XXX No additional fee is required

OR

(d) Total additional fee required \$ _____

FEE PAYMENT

5. Attached is a check in the sum of \$ _____
_____ Charge Account No. 23-0630 in the sum of \$ _____


Fee Deficiency

6. XXX If any additional extension and/or fee is required, this is the request therefor and to charge Account No. 23-0630

And/Or

XXX If any additional fee for claims is required, charge Account No. 23-0630.

Reg. No.: 56,480



Signature of Attorney

Tel. No.: (216) 241-6700

Fax No.: (216) 241-8151

John A. Yirga

Type or Print Name of Attorney

WATTS HOFFMANN CO., L.P.A.
P.O. Box 99839
Cleveland, OH 44199-0839



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Russell David Waters
Serial No.: 10/070,272
Filed: March 1, 2002
Title: APPARATUS FOR APPLYING SURGICAL
FASTENERS
Docket No.: 16-124
Art Unit: 3731
Examiner: Dawson, Glenn K.

WATTS HOFFMANN CO., L.P.A.
1100 Superior Avenue, Suite 1750
Cleveland, OH 4414-2518

MS NO FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited
today with the U.S. Postal Service as 1st Class
Mail addressed to the Assistant Commissioner
for Patents, P.O. Box 1450, Alexandria, VA
22313-1450

on September 6, 2005
By: Sandra K. McKelvey

Amendment

Dear Sir:

Responsive to the Office Action having a mailing date of August 24, 2005, please
consider the amendment and remarks set forth below.